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Whatcha Gonna Do?

The Situation

Ikan Beetya, ASLA, principal of Ikan Beetya Associates, sought a highly competitive and extremely lucrative Village Center planning project in the town of Fairness Falls. His main rival, Will B. Honorable, ASLA, of Honorable & Sons, was both well known to Fairness Falls leaders and well qualified. The competition was intense.



Although Ike maintained a capable and experienced staff, he needed an edge. Fairness Falls had established a specific criteria scoring format that included additional points for minority-owned firms and their partners. Anxious to score the minority points, he approached Maya Compliss, ASLA, and proposed a "joint venture." Maya was flattered by the request but frank about her lack of experience and training in city planning. She offered to create planting plans for Ikan's site.

Anxious to highlight her participation in the project, Ike asked Maya to join him for the interview with the search committee. He rejected her assistance with planting plans, however, he offered fifteen percent of the process if she attended all meetings with Fairness Falls. Once selected, Ike strategized, Ikan Beetya Associates would perform and oversee all of the design work, but the plans would carry a merged title block featuring both firms' seals and signatures.

What a deal! Fifteen percent for a few meetings, plus the addition of the project to her credentials and brochure. Ikan's offer was too good to refuse. Ms. Compliss agreed to join Mr. Beetya.

At the interview, Ike presented Maya as an equal partner on the project. Although Maya considered herself simply a team member, she did nothing to clarify her relationship with Beetya during or after the meeting. With the minority points, the duo was well on their way to outscoring Will B. Honorable.

Will was suspicious. He knew Maya Compliss specialized in residential projects and wondered when she had trained in urban design. He quickly contacted the evaluation committee. Honorable avoided words like "sham" or "ploy" and requested that a third party review both the judging criteria and the relationship between Ikan Beetya and Maya Compliss.

Whatcha Gonna Do?

Is allocating fifteen percent of the process for "project acquisition" a brilliant business strategy on Ikan's part or an unethical move that disregards professional ethics in an effort to exploit the scoring criteria? Since Maya Compliss participated in the acquisition phase, can she ethically allow her title block and seal to be used on the work of Ikan Beetya Associates? How should Will proceed? Finally, is it inappropriate to use minority contractors to climb the rating chart?

ASLA Ethics Committee Recommendation

By misrepresenting the level of Maya's participation in the Fairness Falls project, Ikan Beetya clearly violated [ASLA CODE AND GUIDELINES FOR PROFESSIONAL CONDUCT](#). The first Ethical Standard holds, "Members should understand and honestly obey laws governing their professional practice and business matters and conduct their professional duties within the art and science of landscape architecture, and the professional society, with honesty, dignity and integrity." Keeping Maya's participation well under fifty percent while presenting her as an equal partner, he crossed the honesty line and violated Rule 1.101, which states, "Members shall deal with other Members, clients, employees and the public with honesty, dignity and integrity."

Sealing the work of others probably placed Maya in conflict with state regulations. Did she also violate [ASLA CODE AND GUIDELINES](#)? Maya was frank about her lack of expertise in urban planning during initial conversations with Beetya. Unfortunately, she failed to come clean during the interview. By posing as an equal partner on the project, she followed Ikan Beetya across the honesty line. In addition, she overtly disregarded Rule 1.302, which makes plain, "Members shall not sign or seal drawings, specifications, reports, or other professional work for which they do not have direct professional knowledge or direct supervisory control."

Both Ikan and Maya could be subject to complaint.

Will B. Honorable should continue to proceed carefully, steering clear of inferential attacks on Beetya and Compliss. Drawing the search committee's attention to the situation before a decision was reached, Honorable respected code provision R1.111: "Members shall not seek to void awarded contracts for a specific scope of service held by another member." Ultimately, a municipality is obligated to ensure the validity of minority contractor preferences prior to contract award.

There is nothing wrong with taking advantage of special opportunities by partnering with a female or minority-owned firm. In addition to observing professional ethics, however, state and federal guidelines must be followed. Locate qualified minority-owned firms by visiting the U.S. Department of Commerce, [Minority Business Development Agency](#) website.

Editor's note: One of the objectives of the ASLA Ethics Committee is to educate members about the ASLA Code and Guidelines for Professional Conduct. The code contains important principles relating to duties to clients and to members of the Society. Contact the Ethics Committee by writing to Allen Hixon, FASLA, Ethics Committee Chair, c/o ASLA, 636 Eye St., NW, Washington, DC 20001-3736.

Readers are invited to send comments on cases appearing in LAND Online to Susan Hines via email, shines@asla.org, or regular mail: Managing Editor, LAND Online, 636 Eye St., NW, Washington, DC 20001-3736.